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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,362	04/25/2001	Gunnar Back	3191/01393	6563

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DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022

EXAMINER

WILLIAMS, ERIC M

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/842,362	Applicant(s) BACK ET AL.	
	Examiner Eric M Williams	Art Unit 3681	

-- Th MAILING DATE of this communication appears on th cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 121, 122 and 128-130 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 121, 122 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 128-130 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the papers filed 03/18/2004 for serial number 09/842,362.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, and 128-130 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer et al. ('260).

Fischer (Fig. 9) discloses a hydrokinetic torque converter comprising a housing (605), a turbine Fig. 1 (7), a pump Fig. 1 (6), means for rotating the housing (the engine), an output element (gearbox not shown, but mentioned in column 7), a fluid operated bypass clutch (606), friction generating means (607), first and second plenum chambers Fig. 1 (10,20) wherein the housing includes radially directed grooves which terminate outside an outer radial border and inside an inner radial border (608 and 609 constitute grooves and are part of the housing and which terminate outside an outer radial border and inside an inner radial border as shown in Fig. 9).

Re claim 2, the hydrokinetic torque converter further comprises a vibration damping means Fig. 1(14).

Re claim 3, the hydrokinetic torque converter further comprises a stator (unlabeled in Fig. 1).

Re claim 128, Fisher discloses a hydrokinetic torque convert comprising a housing (605), a turbine Fig. 1 (7), a pump Fig. 1 (6), means for rotating the housing (the engine), an output element (gearbox not shown, but mentioned in column 7), a fluid operated bypass clutch (606), friction generating means (607), first and second plenum chambers Fig. 1 (10,20) wherein the housing includes grooves which terminate outside an outer radial border and inside an inner radial border (608 and 609 constitute grooves and are part of the housing and which terminate outside an outer radial border and inside an inner radial border as shown in Fig. 9).

The method of forming the grooves into the housing surface via imprinting is not germane to the patentability of the claimed torque converter apparatus.

Re claim 129, the hydrokinetic torque converter further comprises a vibration damping means Fig. 1(14).

Re claim 130, the hydrokinetic torque converter further comprises a stator (unlabeled in Fig. 1).

Allowable Subject Matter

4. Claims 121 and 122 are allowed.

Response to Arguments

5. Applicant's arguments filed 03/18/2004 have been fully considered but they are not persuasive.

Applicant argues the Fisher '260 reference does not disclose radially directed grooves. Examiner believes grooves 608 and 609 are radially directed.

With regards to claim 128, Applicant further argues that the applied reference does not disclose the feature of grooves being imprinted in the surface of the housing. The limitation of the grooves being produced by imprinting is not germane to the patentability of the claimed torque converter apparatus.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M Williams whose telephone number is 703-305-0607. The examiner can normally be reached on Mon. - Fri. from 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


EMW


CHARLES A. MARMOR
SUPERVISORY PATENT EXAMINER
ART UNIT 3681